

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

GERALD W. STOKER
AREA ENGINEER

P.O. BOX 506
CEDAR CITY, UTAH 84720
586 4231
October 20, 1978

Mr. and Mrs. E. Marion Cox
Glendale, Utah 84729

Dear Mr. and Mrs. Cox:

Pursuant to your letter dated October 16, 1978, we have made another field examination of the spring area in Lydia's Canyon and the subject dam construction. You mentioned a garden hose in your letter and stated that this hose supplied water for two families in lieu of the six inch line from the spring area. When we estimated the flow from this hose on October 19, 1978, we found that there was approximately 5 gallons per minute which would supply the families in excess of 7000 gallons of water per day. If you are not receiving this amount of water it means that your pipeline system from Mr. Blackburn's place to your own house or houses is obstructed or broken and cannot carry the supply of water.

We found that the pipeline is disconnected, awaiting repairs, just below the spring and dam (that has been enlarged by Mr. Blackburn) and from all indications has had an appreciable amount of mud or silt introduced into that line. We cannot conclude at this time how or when the material entered into the line. Apparently, there is also a break or bad joint in the line between this point and the spring headbox. The water from the spring is flowing over the headbox and into the natural stream flow and the disconnected line did not indicate any flow in the line at that point. Mr. Blackburn stated that he and Roger Chamberlain were working on the problem and would have the spring back into the system within the next 7 to 14 days. The garden hose mentioned above should supply you sufficient water to maintain your present requirements and, again, if you are not receiving that amount of water indicated you will have to investigate your pipeline system above your house. Mr. Blackburn assured us that he would maintain the present supply of water to your system, until permanent repairs are completed on the six inch line.

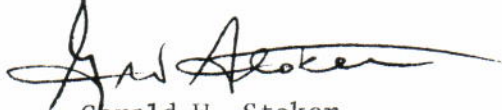
In response to your claim to the construction of additional dams in the canyon, we found that there were a number of newly constructed earthworks on or adjacent to the natural stream. Some of these embankments were enlargements of

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existing diversion works and did not constitute an impairment to water rights. Other structures, where water is being stored, do cause us some concern but apparently have not impaired or adversely existing water rights downstream from their locations. We have not had any objections or complaints from the water users in that area and will not take any action at this time. If, at a later date, we find that there is an impairment to downstream water rights then we will initiate action to correct the situation. The dams, in general, are good conservation measures and may reduce the erosion in the natural channel. If a large storm runoff or flood occurs then there might be some problems if the dams fail. Mr. Blackburn has the liability for these structures and must assume the responsibility for their safety.

This is the situation as we have reviewed it but if you feel that we have misinterpreted the situation we invite you to inform this office in writing and with more particulars those factors we have overlooked. Please keep us informed as to the progress being made or not being made and we will check into the matter further. If the project has not been completed within the time mentioned to Mr. Blackburn, with allowance for unusual circumstances, inform this office and we will take immediate action to correct the situation.

Yours truly,

A handwritten signature in dark ink, appearing to read "G. W. Stoker", with a long horizontal flourish extending to the right.

Gerald W. Stoker
Area Engineer

GWS/sm

cc: Mr. Roger Chamberlain
Glendale, Utah 84729

Mr. Ferl Blackburn
Glendale, Utah 84729